

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

LONNIE JACKSON,

Plaintiff,

v.

DR. KEVIN KALLAS, JEFF ANDERS,
RYAN HOLMACHER, JAMES GREER,
MARY MUSE, CATHY A. JESS, ROBERT HABLE,
DR. GARY ANKARLO, HUGH JOHNSON,
CINDY O'DONNELL, MARK WIEGERBER,
CPS COREY SABISH and ROBERT HABLE,

Defendants.

ORDER

17-cv-350-bbc

Plaintiff Lonnie Jackson is a transgender inmate at the Kettle Moraine Correctional Institution who is proceeding on claims that defendants violated her constitutional rights under the Eighth Amendment and the equal protection clause by failing to provide her adequate treatment for gender dysphoria and by denying her requests to be placed in a single cell or in a cell with other transgender inmates. At the request of the parties, this court stayed all proceedings in this case on January 18, 2018, pending the resolution of a similar case before a different judge in this court, Campbell v. Kallas, 16-cv-261-jdp. Dkt. #21. On May 29, 2019, I extended the stay pending resolution of an interlocutory appeal of a qualified immunity decision in the Campbell case. Dkt. #23. After the Court of Appeals for the Seventh Circuit ruled on the Campbell appeal on August 19, 2019, this court asked the parties to provide input on what should happen next. Although defendants would like the stay to continue until the Campbell is concluded because that case involves similar issues, plaintiff would like her case to

move forward now that the key legal issues have been resolved by the court of appeals. She also has renewed her motion for court assistance in recruiting counsel. Dkt. #31. Because I see no reason to stay this case any longer pending trial on the remaining issues in the Campbell case, I will lift the stay and consider plaintiff's motion for court assistance in recruiting counsel.

In the September 8, 2017 order denying without prejudice plaintiff's initial request for court assistance in recruiting counsel, I found that plaintiff was indigent and unable to afford counsel and that she had made reasonable efforts on her own to find a lawyer to represent her. Dkt. #15 at 1-2. Accordingly, the only question is whether plaintiff is capable of continuing to represent herself in this case. Pruitt v. Mote, 503 F.3d 647, 654-55 (7th Cir. 2007) (court assistance in recruiting counsel is appropriate only when it appears from the record that the legal and factual difficulty of case exceeds plaintiff's ability to prosecute it).

After reviewing plaintiff's motion, the complaint and some of the filings in the related Campbell case, I am persuaded that litigation in this case is likely to be too complex for plaintiff to handle on her own, so I will grant her motion. If I find counsel willing to represent plaintiff, I will advise the parties of that fact. Soon thereafter, a status conference will be held to set a new schedule. Plaintiff should know that because of the large number of requests for counsel the court receives, the search for counsel may take several weeks or even months, and there is no guarantee that the court will ever find counsel willing to represent her.

ORDER

IT IS ORDERED that

1. The stay imposed in this case pending the resolution of Campbell v. Kallas, 16-cv-

261-jdp, is LIFTED.

2. Plaintiff Lonnie Jackson's renewed motion for court assistance in recruiting counsel, dkt. #31, is GRANTED. All proceedings in this case will be STAYED pending recruitment of counsel for plaintiff.

Entered this 10th day of October, 2019.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge